

CITY OF PROVIDENCE

PUBLIC NOTICE

ZONING BOARD OF REVIEW

190 DYER STREET

PROVIDENCE, RHODE ISLAND 02903-3902

OCTOBER 9, 2007

Notice is hereby given that the Zoning Board of Review will be in session in the Probate Court Room, fifth floor, City Hall on Tuesday, October 23, 2007 at 5:30 P.M. and 7:00 P.M. when all persons interested will be heard for or against the granting of the following applications for variances and special use permits under Section 902 of the Zoning Ordinance:

5:30 P.M.

The Board is in receipt of correspondence seeking further continuance of the following matter:

A-47 CHRISTIAN ASSEMBLY: 483-485 Washington Street (Lot 39) and 488 Washington Street (Lot 285-West Side Overlay District "WSOD") on the Tax Assessor's Plat 29 located in a Heavy Commercial C-4 Zone; to be relieved from Sections 305.1(7), 305.1(8) and 703.2 relating to lot 39 (483-485 Washington St.) where the existing storage building would be demolished and a new 28' x 60' structure would be constructed and used for a church. The church

use is permitted within the C-4 district, the applicant is requesting a dimensional variance relating to side and rear yard setbacks and the parking provisions, whereby the proposal requires 22 parking spaces, there would be no on-site parking. Further, the applicant is requesting a use variance and seeks relief from Sections 506.6(A) (parking lots prohibited in the WSOD) and 705.3 (entrance & exit to parking spaces) in the proposed development of lot 285 (488 Washington St. corner of Hood St.) for a parking lot that would support 7 parking spaces for the church. Lot 39 contains approximately 3,400 square feet of land area and lot 285 contains approximately 2,332 square feet of land area.

On September 25, 2007, the following members voted to continue the following matter for further hearing:

KELLY, STROTHER, EGAN, VARIN & UNDERWOOD

SWAP, INC. AND RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION: 78 & 82 Rugby Street and 2, 4 & 5 Dayton Court, Lots 879, 851, 850, 756 & 754 on the Tax Assessor's Plat 54 located in a Residential R-3 Three-Family Zone; to be relieved from Sections 105.3 and 304 in the proposed reconfiguration of the aforementioned 5 lots into 3 new lots. One new lot would contain approximately 6,064 square feet of land area upon which a new 36' x 42' two-family dwelling would be constructed at 78 Rugby Street (corner Dayton Court), a second new lot containing 5,593 square feet

of land area would be created upon which a new 36' x 42' two-family dwelling would be constructed at 5 Dayton Court, and a third new lot would be created consisting of 2,568 square feet of land area upon which a new 18' x 24' single-family dwelling would be constructed at 4 Dayton Court, requires relief from the lot area requirement only, whereby revised plans indicate compliance with the setback regulations. The applicant is requesting a dimensional variance from regulations governing the rear yard setback requirements for 78 Rugby Street, side yard setback for 5 Dayton Court, and the rear yard setback for 4 Dayton Court, which also requires relief from the lot area conformance requirement pursuant to Sections 105.3 and 304. The subject lots total approximately 14,225 square feet of land area.

NEW MATTERS

5:30 P.M.

77 TABER AVE. LLC: 77-79 Taber Avenue, Lot 296 on the Tax Assessor's Plat 39 located in a Residential R-1 One-Family Zone; to be relieved from Section 304 in the proposed construction of a 17' x 21' deck over the existing garage (located in the rear yard) that would be attached to the existing two-family dwelling. The applicant is requesting a dimensional variance from regulations governing the rear yard setback. The lot in question contains approximately 5,000 square feet of land area.

7:00 P.M.

PROVIDENCE CITY ARTS FOR YOUTH, INC., OWNER AND CVS

HIGHLANDER CHARTER SCHOOL, INC., APPLICANT & LESSEE: 42 Lexington Avenue & 891 Broad Street recorded on the Tax Assessor's Plat 53 Lot 463 which is located in a Residential R-3 Three-Family Zone, and Lot 399 which is located in a Limited Commercial C-1 Zone and the Commercial Corridor Overlay District; to be relieved from Sections 303-use code 21 and 401 in the proposed use of lot 463 for a playground and ancillary uses for the existing school on lot 399. The applicant is requesting a special use permit. Lot 463 contains approximately 4,000 square feet of land area and lot 399 contains approximately 38,477 square feet of land area.

AGRIPINO ENCARNACION: 27-29 Somerset Street, Lot 43 on the Tax Assessor's Plat 23 located in Residential R-3 Three Family Zone; to be relieved from Section 304 in the proposed change in the use of the building from a two-family to a three-family dwelling. A three-family use is permitted in the R-3 district only when located on a lot containing no less than 6,000 square feet of land area. The minimum lot area dwelling unit requirement is 2,000 square feet of land area per dwelling unit; therefore a dimensional variance is required. The lot in question contains approximately 5,000 square feet of land area.

LEOPOLDO MENDOZA: 319-321 Amherst Street, Lot 5 on the Tax Assessor's Plat 63 located in a Limited Commercial C-1 Zone; to be relieved from Section 703.2 in the proposed inclusion of seating within the existing restaurant. No change is proposed for the existing 2 dwelling units. The applicant is requesting a dimensional variance

from regulations governing the parking requirement, whereby the property provides for 3 on-site parking spaces, one space for each dwelling unit and one space for the proposed restaurant seating. The new seating requires 9 parking spaces however, as per Section 205 of the Zoning Ordinance the existing commercial use has non-conforming status for parking of 3 spaces therefore, there is a shortfall in the number of parking spaces for the restaurant of 6 spaces. The lot in question contains approximately 3,288 square feet of land area.

DAVID A. REYNOLDS: 57, 61 & 63 Leah Street, Lots 620, 621 & 622 on the Tax Assessor's Plat 95 located in a Residential R-2 Two-Family Zone; to be relieved from Section 204.2 in the proposed construction of a new 22' x 30' single-family dwelling on lot 620 (63 Leah St.), where a principle use structure exists and lot 622 (57 Leah St.) which currently sits vacant of structures. The existing single-family dwelling on lot 621 will remain unchanged. Each lot consists of 3,200 square feet of land area. As per Section 204.2 of the Zoning Ordinance, if two or more contiguous lawfully established substandard lots of record, where one or more of the lots are less than 4,000 square feet and are under the same ownership on or anytime after October 24, 1991, such lots shall be considered one lot and undivided for the purpose of the Ordinance. In this instance, all subject lots are substandard in land area and are recorded under the same ownership; however, lot 620 has an existing principle use building. The applicant is requesting a dimensional variance in order

to retain the lots separately and construct a one-family dwelling on lots 620 and 622.

THIS MEETING MAY BE CONTINUED FROM DAY TO DAY AND TIME TO TIME AT THE DISCRETION OF THE ZONING BOARD OF REVIEW.

THIS MEETING IS ACCESSIBLE TO ALL PERSONS. INDIVIDUALS REQUESTING INTERPRETER SERVICES MUST NOTIFY THE OFFICE OF NEIGHBORHOOD SERVICES AT (401) 421-7768, 48 HOURS IN ADVANCE OF THE HEARING DATE.

ESTA REUNION PUEDE SER CONTINUADA EN CUALQUIER MOMENTO BAJO LA DISCRECTION DE LA JUNTA DE REVISIONES DE ZONA.

LA INFORMACION DE ESTA REUNION ESTA DISPONIBLE PARA TODAS LAS PERSONAS E INDIVIDUOS QUE REQUIERAN SERVICIOS DE INTERPRETE, LLAME A LA OFICINA DE SERVICIOS VECINDALES AL (401) 421-7768, POR LO MEMOS 48 HORAS ANTES DE SU FECHA DE JUICIO.

PETER D. CARNEVALE, SECRETARY

(401) 421-7740 EXT. 376